

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s) : Ibert C. Wells
Serial No. : Not yet assigned
Filing Date : Not yet assigned
Title : METHOD FOR DETECTING DEFICIENT
CELLULAR MEMBRANE TIGHTLY BOUND
MAGNESIUM FOR DISEASE DIAGNOSES
Group/Art Unit : Not yet assigned
Examiner : Not yet assigned
Confirmation No. : Not yet assigned
Atty. Docket No. : 800812-0005

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)

MS PATENT APPLICATION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In accordance with 37 C.F.R. § 1.56, § 1.97, and § 1.98, the accompanying form PTO-892 and forms PTO-1449 are being brought to the attention of the Examiner for consideration in connection with the examination of the above-identified patent application. The present application is a continuation-in-part of pending U.S. application, Serial No. 10/053,669, filed January 24, 2002, which is a continuation of U.S. Application Serial No. 09/265,690 filed March 10, 1999, now U.S. Patent No. 6,372,440, and is also a continuation-in-part of pending U.S. Application Serial No. 10/695, 536 filed October 28, 2003, which is a Divisional of U.S. Patent Application Serial No. 10/230,133 filed August 29, 2002, now U.S. Patent No. 6,664,420, which is a Divisional of U.S. Patent Application Serial No. 09/635, 266, filed August 9, 2000, now U.S. Patent No. 6,455,734. The cited documents are already of record in one or more of the

Certificate of Mailing Under 37 C.F.R. 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to MS Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on:

Date: March 22, 2004

Signature: Linda Clawson

Printed Name: LINDA CLAWSON

The Director is hereby authorized to charge any additional amount required, or credit any overpayment, to Deposit Account No. 19-4409.

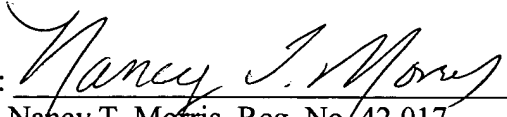
parent cases and therefore, copies will not be resubmitted unless requested by the Examiner.
Submission of these references is not an admission that the references constitute prior art.

Applicant[s] respectfully request[s] that these references be made of record in the above-identified application and considered by the Examiner during prosecution of the present application.

It is respectfully submitted that the present invention as claimed is patentable over the listed references.

Acknowledgment of receipt is respectfully requested.

Respectfully submitted,

By: 
Nancy T. Morris, Reg. No. 42,017
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Kansas City, MO 64106-2150
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Attorney for Applicant[s]

Substitute for Form 1449A/PTO
INFORMATION DISCLOSURE
STATEMENT BY APPLICANT
(use as many sheets as necessary)

Application Number:	10/053,669
Filing Date:	January 24, 2002
First Named Inventor:	Ibert C. Wells
Group Art Unit	1645
Examiner Name:	Baskar, Padmavathi
Attorney Docket Number:	N1427-005

Sheet	1	of	1
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[illegible][illegible]Date
Considered

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Complete if Known

Application Number	09/635,266 <i>new 10/230133</i>
Filing Date	August 9, 2000 <i>here with 8/29/02</i>
First Named Inventor	Ibert Clifton WELLS
Group Art Unit	1624 1621
Examiner Name	K-Habte <i>S. Kumar</i>
Attorney Docket Number	W16-3 (N1427-002) <i>2892-106</i>

Sheet 1 of 1

Attorney Docket Number W16-3 (N1427-002) 2892-106

**Examiner
Initials***

Cite
No.¹

U.S. Patent Document

Number

Kind Code
(if known)Name of Patentee or Applicant
of Cited Document

**Date of Publication
of Cited Document**
MM-DD-YYYY

84

3,894,995

Reske et al.

07-15-1975

4,144,244

Brace

03-13-1979

4,331,570

Klemarczyk et al.

05-25-1982

4,622,339

Lieb et al.

11-11-1986

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4,705,897

Alexander

11-10-1987

**Examiner
Signature**

S. Kivner

Date
Considered
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹Unique citation designation number. ²See attached Kinds of U.S. Patent Documents. ³Enter Office that issued the document, by the two-letter code. ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶Applicant is to place a check mark here if English language translation is attached. AB indicates that only an English language abstract is attached.

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

Complete if Known

Application Number	09/635,268 new 10/230,133
Filing Date	August 9, 2000 here with 8/29/02
First Named Inventor	Ibert Clifton WELLS
Group Art Unit	161 162
Examiner Name	S. Kumar
Attorney Docket Number	W16-3 (N1427-002) 2892-106

Sheet

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of

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OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T ⁶
81		EDVINSSON, L., et al., "Reduced levels of calcitonin gene-related peptide (CGRP) but not substance P during and after treatment of severe hypertension in man," <i>J. Human Hypertension</i> , 1989, 3:267-270.	
		FAULHABER, H.D., et al., "Substance P in Human Essential Hypertension," <i>J. Cardiovasc. Pharmacol.</i> , 1987, 10(Suppl. 12):S172-S176.	
		MEYER, P., and MARCHE, P., "Cell Membrane in Hypertension," <i>The American Journal of Medical Sciences</i> , April, 1988, 295(4):396-399.	
		MORI, K., et al., "Decreases in Substance P and Vasoactive Intestinal Peptide Concentrations in Plasma of Stroke-Prone Spontaneously Hypertensive Rats," <i>Jpn. Heart J.</i> , November, 1993, 34(6):785-794.	
		RESNICK, L.M., et al., "Intracellular free magnesium in erythrocytes of essential hypertension: Relation to blood pressure and serum divalent cations," <i>Proc. Natl. Acad. Sci. USA</i> , October, 1984, 81:6511-6515.	
		SANFILIPPO, J.S., et al., "Amniotic Fluid Levels of Substance P," <i>The Journal of Reproductive Medicine</i> , August, 1992, 37(8):733-736.	
u		TAKANO, Y., et al., "Substance P immunoreactivity released from rat spinal cord after kainic acid excitation of the ventral medulla oblongata: a correlation with increases in blood pressure," <i>Brain Research</i> , 1984, 291:168-172.	
Examiner Signature	S. Kumar		Date Considered 7/17/03

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.
 †Unique citation designation number. ‡Applicant is to place a check mark here if English language Translation is attached.

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

Complete if Known

Application Number 09/635,266 ~~1420~~
 Filing Date August 9, 2000 *8/9/00*
 First Named Inventor Ibert Clifton WELLS
 Group Art Unit ~~1544~~ 162)
 Examiner Name *S. Kumar*
 Attorney Docket Number W16-3 (N1427-002) 2892-106

Sheet

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of

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U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY
		Number	Kind Code (if known)		
<i>86</i>		5,268,359		Hamar et al.	12-07-1993
		5,491,140		Bruns et al.	02-13-1996
		5,492,927		Glitter et al.	02-20-1996
		5,525,624		Glitter et al.	06-11-1996
		5,563,133		Hipskind	10-08-1996
		5,565,568		Cho et al.	10-15-1996
		5,594,022		Horwell et al.	01-14-1997
		5,607,947		Hipskind	03-04-1997
		5,610,176		Horwell et al.	03-11-1997
		5,616,562		Murphy et al.	04-01-1997
<i>1</i>		5,670,499		Cho et al.	09-23-1997
<i>86</i>		5,684,033		Cho et al.	11-04-1997
<i>86</i>		5,698,710		Sisto et al.	12-16-1997
Examiner Signature	<i>S. Kumar</i>			Date Considered	<i>7/17/03</i>

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¹Unique citation designation number. ²See attached Kinds of U.S. Patent Documents. ³Enter Office that issued the document, by the two-letter code. ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶Applicant is to place a check mark here if English language translation is attached. AB Indicates that only an English language abstract is attached.

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

Complete if Known

Application Number	09/635,266 new 10/230,133
Filing Date	August 9, 2000 new 8/29/02
First Named Inventor	Ibert Clifton WELLS
Group Art Unit	1811 1621
Examiner Name	S. Kumar
Attorney Docket Number	W46-3 (N1427-002) 2892-106

Sheet

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of

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OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T ²
g.c.		FRICKEY, P.H., et al., "Preparation and Characterization of Monoclonal Antibodies to Substance P," <i>Hybridoma</i> , Nov. 6, 1991, 10:685-694.	
		HORWELL, D.C., "Use of the Chemical Structure of Peptides as the Starting Point to Design Nonpeptide Agonists and Antagonists at Peptide Receptors: Examples with Cholecystokinin and Tachykinins," <i>Bioorganic & Medicinal Chemistry</i> , 1996, 4(10):1573-1576.	
		MATTINGLY, M.T., et al. "Decreased Cell Membrane Magnesium in Some Essential Hypertension Patients," <i>Clin. and Exper. Hyper.-Theory and Practice</i> , 1991, 13:65-82 (author's reprint enclosed-total of 20 pages).	(1)
		THEODORSSON-NORHEIM, E., et al., "Neuropeptide K: A Major Tachykinin in Plasma and Tumor Tissues from Carcinoid Patients," <i>Biochemical and Biophysical Research Communications</i> , 1985, 131:77-83	
		WELLS, I.C., et al., "Abnormal magnesium metabolism in two rat models of genetic hypertension," <i>Can. J. Physiol. Pharmacol.</i> , 1992, 70:1225-1229.	
Examiner Signature	S. Kumar		Date Considered 7/17/03

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹Unique citation designation number. ²Applicant is to place a check mark here if English language Translation is attached.

Notice of References Cited

Application/Control No. <i>new</i> <i>09/605,266</i>	Applicant(s)/Patent Under Reexam <i>Wells</i>	
Examiner <i>S. J. J. J.</i>	Art Unit <i>2601</i>	Page <i>1</i> of <i>1</i>

U.S. PATENT DOCUMENTS

* #	Document Number <small>Country Code Number Kind Code</small>	Date <small>MM/YY</small> ¹	Name	Classification ²
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FOREIGN PATENT DOCUMENTS

* #	Document Number <small>Country Code Number Kind Code</small>	Date <small>MM/YY</small> ¹	Country	Name	Classification ²
1	<i>2,166,316</i>	<i>08/1975</i>	<i>France</i>	<i>—</i>	<i>—</i>
2	<i>2,065,879</i>	<i>08/1976</i>	<i>Germany</i>	<i>—</i>	<i>—</i>
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NON-PATENT DOCUMENTS

* #	Include, as applicable: Author, Title, Date, Publisher, Edition or Volume, Pertinent Pages
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X	

* A copy of this reference is not being furnished with this Office action. See MPEP § 702.05(a). ¹ Dates in MM/YY format are publication dates. ² Classification may be U.S. or foreign.

Sheet	1	of	2
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Application Number:	10/230,133
Filing Date:	August 29, 2002
First Named Inventor:	Ibert Clifton Wells
Group Art Unit:	1621
Examiner Name:	Not Yet Assigned S. Kumer
Attorney Docket Number:	2892-106

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Substitute for Form 1449B/PTO (Modified) INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>			Complete if Known Application Number: 10/230,133 Filing Date: August 29, 2002 First Named Inventor: Ibert Clifton Wells Group Art Unit: 1621 Examiner Name: Not Yet Assigned Attorney Docket Number: 2892-106	
Sheet	2	of	2	

OTHER REFERENCES - NON PATENT LITERATURE DOCUMENTS AND INFORMATION

[illegible]

Examiner Signature	S. Kumar	Date Considered	7/17/03
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